

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Jun 05, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SEBASTIAN CORTES AGUILAR,

Petitioner,

v.

JEFFERY A. UTTECHT,

Respondent.

NO: 2:20-CV-27-RMP

ORDER DISMISSING ACTION  
WITH PREJUDICE

By Order filed April 21, 2020, the Court directed Petitioner Sebastian Cortes Aguilar, a prisoner at the Coyote Ridge Corrections Center, to show cause why this action should not be dismissed as time barred under 28 U.S.C. § 2244(d). ECF No. 5. Petitioner brought this *pro se* Petition for Writ of Habeas Corpus by a Person in State Custody pursuant to 28 U.S.C. § 2254, challenging convictions which became final in 2015. ECF No. 1. Petitioner has been granted leave to *in forma pauperis*. ECF No. 5. Respondent has not been served.

The Court cautioned Mr. Aguilar that his failure to show cause would be construed as his consent to the dismissal of this action. Petitioner did not comply

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1 with the Court's directive and has filed nothing further in this action. For the  
2 reasons set forth above and in the Order to Show Cause, ECF No. 5, **IT IS**  
3 **ORDERED** that this action is **DISMISSED with prejudice** as time barred under  
4 28 U.S.C. § 2244(d).

5 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,  
6 enter judgment, provide copies to Petitioner, and close the file. The Court certifies  
7 that pursuant to 28 U.S.C. § 1915(a)(3), an appeal from this decision could not be  
8 taken in good faith, and there is no basis upon which to issue a certificate of  
9 appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). A certificate of  
10 appealability is therefore **DENIED**.

11 **DATED** June 5, 2020.

12  
13 *s/ Rosanna Malouf Peterson*  
14 ROSANNA MALOUF PETERSON  
15 United States District Judge  
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